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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NEHEMIAH ROBINSON, Plaintiff, **v.** **T. CATLETT, et al.,** Defendants.	08-CV-00161-H (BLM) **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF D. BELL; REQUEST FOR JUDICIAL NOTICE** Hearing: August 28, 2008 Time: 9:00 a.m. Courtroom: Suite 5140 Judge: The Honorable Barbara L. Major NO ORAL ARGUMENT REQUIRED

TO NEHEMIAH ROBINSON, PLAINTIFF IN PRO SE:

Please take notice that on August 28, 2008, at 9:00 a.m., in the above-referenced court, located at 940 Front Street, San Diego, California, 92101, Defendants will move the Court for an order dismissing the First Amended Complaint or portions thereof.

The Motion to Dismiss is made pursuant to Federal Rule of Civil Procedure 12(b)(6) on the ground Plaintiff failed to state a claim for which relief may be granted.

The motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Declaration of D. Bell in support and the Request for Judicial Notice and such other matters as the Court deems appropriate.

Dated: June 10, 2008

Respectfully submitted,

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